

Notice of Allowability

Application No.

09/918,032

Examiner

Nghi V. Tran

Applicant(s)

TORMASOV ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/28/2006.
2. ☒ The allowed claim(s) is/are 26-28,30-43,45,46,48-50,52-61 and 63-74.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


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SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with George S. Bardnesser on January 19, 2007.

3. The application has been amended as follows:

In the claims

Claim 26

In line 4, after the word "a" please insert --dynamic-- and in line 5, after the phrase, "the plurality of servers," please insert the following --switching at least one server of the plurality of servers into a neighbor group of servers based on network distance,--.

Claim 33

In line 4, after the phrase, "on each server, maintaining a" please insert --dynamic-- and in line 5, after the phrase, "the plurality of servers;" please insert

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the following --switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Claim 38

In line 1, after the phrase, "The method of claim 33," please delete the following --wherein the list is a dynamic list, and--.

Claim 45

In line 7, after the phrase, "at each server, maintaining a" please insert --dynamic-- and after the phrase, "the same group;" please insert the following --switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Claim 57

In line 6, after the phrase, "on the server;" please insert --at each server, maintaining a dynamic list of neighbors server that belong to the same group; switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Claim 66

In line 6, after the phrase, "on the N servers," please insert --at each server, maintaining a dynamic list of neighbors server that belong to the same

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group; switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Claim 69

In line 6, after the phrase, "on each server, computer program code means for maintaining a" please insert --dynamic-- and in line 7, after the phrase, "to the same group;" please insert the following --switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Claim 70

After line 5, please insert the following -- at each server, maintaining a dynamic list of neighbors server that belong to the same group; switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Claim 74

In line 13, after a word "a", please insert --dynamic-- and at the end of line14, please insert the following -- switching at least one server of the plurality of servers into a neighbor group of servers based on network distance;--.

Allowable Subject Matter

4. Claims 26-28, 30-43, 45-46, 48-50, 52-61, and 63-74 are allowed.

5. This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks filed on September 28, 2005 with respect to the amended claim limitations point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
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January 19, 2007



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